

AMENDMENT UNDER 37 C.F.R. §1.115
U.S. APPLICATION NO. 07/713,624

69. A method of making a transformed dicotyledonous plant cell, dicotyledonous plant, or dicotyledonous plant tissue that expresses *Bacillus thuringiensis* crystal protein toxin, said method comprising:

(a) inserting into the genome of said plant cell a chimeric gene comprising, operably linked, a plant expressible promoter, a full-length or less than full-length *Bacillus thuringiensis* crystal protein structural gene that encodes crystal protein toxin, and a 3' non-translated polyadenylation region; and

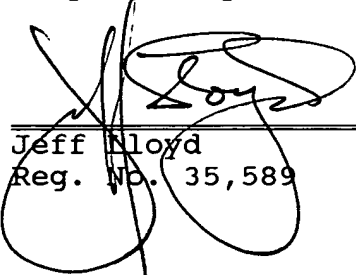
(b)(i) selecting transformed dicotyledonous plant cells that express crystal protein toxin, or

(b)(ii) selecting transformed dicotyledonous plant cells that express crystal protein toxin and regenerating therefrom plants or plant tissue that express crystal protein toxin.

REMARKS

Support for the claims is found as described in Section 10 of Adang's Motion 4.

Respectfully submitted,



Jeff Nloyd
Reg. No. 35,589

Saliwanchik & Saliwanchik
2421 N.W. 41st Street
Suite A-1
Gainesville, Florida 32606
Phone: 904-375-8100
Fax: 904-372-5800
July 1, 1994

CERTIFICATE OF SERVICE

A copy of the foregoing AMENDMENT PURSUANT TO 37 C.F.R. §1.115 was this first day of July, 1994, served on attorneys for Fischhoff et al. as follows:

(1) by mailing a copy via Federal Express (weekday morning) to:

Dennis R. Hoerner, Jr., Esq.
Monsanto Company
700 Chesterfield Village Parkway
St. Louis, Missouri

and to:

Roger W. Parkhurst, Esq.
Parkhurst, Wendel and Rossi
1421 Prince Street, Suite 210
Alexandria, Virginia 22314

DATE: July 1, 1994

BY: Joseph P. Lange
Joseph P. Lange